

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

Oct 16 2020

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ^{s/ Julio} ~~1288 DMS~~ DEPUTY

UNITED STATES OF AMERICA,
Plaintiff (s),

Case No. 14-cr-1288 DMS
Hon. Judge Dana M. Sabraw

July 21, 2020

vs.

NUNC PRO TUNC

7/31/20

CLEOTHA YOUNG,
Defendant.

Reply and AMENDED MOTION AND MEMORANDUM
IN SUPPORT OF COMPASSIONATE RELEASE
PURSUANT TO 18 U.S.C§ 3582(c)(1)(A)(i)

Now comes movant Cleotha Young and hereby submits this amended motion and memorandum in support of Mr. Youngs' motion for a reduction in sentence pursuant to 18 U.S.C§ 3582(c)(1)(A)(i).

As modified by the First Step Act, the compassionate release statute allows courts to reduce sentences for "extraordinary and compelling" reasons.

FCI Lompoc, where Mr. Young is housed, is among the worst coronavirus hotspots in the nation. And it is the site of by far the largest COVID-19 outbreak at a BOP Facility. BOP reports that over 1,100 of the approximately 2,650 individuals collectively incarcerated at Lompoc have tested positive for COVID-19.¹ The cases at Lompoc account for about two-thirds of cases in Santa Barbara County and are so staggering that local officials are asking the State of California to allow them to exclude the numbers from Lompoc in their reopening criteria.²

¹ Bureau of Prisons, COVID-19 Update, <https://www.bop.gov/coronavirus/>

² Delaney Smith, Santa Barbara County Urges State to Exclude Lompoc Prison Cases From Reopening Criteria, Santa Barbara Independent, May 11, 2020, <https://www.independent.com/2020/05/11/santa-barbara-county-urges-state-to-exclude-lompoc-prison-cases-from-reopening-criteria/>.

1 The spread of the disease in correctional facilities threatens not only
2 the health and well-being of inmates but also correctional facility staff and
3 their families and the surrounding communities. Public health experts consistently
4 recommend de-carceration as an effective strategy to save more lives. According
5 to a recent study conducted by the American Civil Liberties Union and re-
6 searchers at Washington State University, University of Pennsylvania, and
7 University of Tennessee, models estimating the number of deaths due to the COVID-
8 19 pandemic have failed to account for an additional 100,000 more deaths than
9 previously thought, due to systemic failures by courts across the country to
10 reduce inmate populations.³

12 Because the conditions of confinement at BOP facilities and Lompoc in
13 particular- Mr. Youngs' risk of another exposure to COVID-19 and possible death,
14 he can establish "extraordinary and compelling" reasons justifying a reduction
15 in sentence.

16 Mr. Young was arrested on April 24, 2014. He has served over six years
17 in federal custody. He asks the court to impose a reduced sentence of time-
18 served and place him on home confinement as a condition of supervised release.
19 Mr. Young has an address to reside in North Dakota, with family support. By
20 modifying the remaining prison sentence to a period of home confinement, the
21 Court can allow Mr. Young to protect himself and others from the spread of
22 COVID-19.

24 Mr. Young submitted a compassionate release request to the warden of Lompoc
25 which was denied. Because he has exhausted administrative remedies, this Court

27 ³American Civil Liberties Union, COVID-19 Model Finds Nearly 100,000 more deaths
28 than Current Estimates Due to Failures to Reduce Jails, (April 22, 2020),
available at: https://www.aclu.org/sites/default/files/field_document/aclu_covid19-jail-report_2020-8

1 is empowered to adjudicate the merits of Mr. Youngs' motion for a reduced sentence.

2 1. BACKGROUND

3 On November 24, 2015 this Court sentenced Mr. Young to serve 240 months
4 in custody with five years of supervised release for a marijuana conspiracy. He
5 has been in custody since his arrest on April 24, 2020, and has served over six
6 years of his sentence.

7 While serving his custodial sentence at Lompoc, Mr. Young- who is 42 years
8 old with no health issues except having contracted COVID-19 and experiencing
9 shortness of breath over the last three months. Mr. Young has completed numerous
10 educational/vocational programs. See Exhibit A-1. Mr. Young is in a low-security
11 setting with open dormitory, barrack-style housing conditions that make it
12 impossible for him to exercise proper social distancing to comply with CDC
13 guidelines. Mr. Young requested a reduction in sentence from the warden of Lompoc
14 based on concerns about COVID-19. On May 25, 2020 Mr. Youngs' request was denied
15 by the warden due to a lapse of 30 days without a response. See Exhibit A-2.

16 On June 19, 2020 Mr. Young filed his pro se motion for compassionate release
17 with this Court. Movant is a non-violent drug offender, has family support and
18 a stable residence waiting for him in North Dakota. Mr. Young seeks a safe
19 environment where he can shelter in place and practice social distancing. He
20 plans to work with his brother in the trucking industry.
21

22 II STATUTORY AUTHORITY

23 Title 18, United States Code § 3582(c)(1)(A)(i) allows a court to reduce
24 an inmate's sentence if the court finds that (1) "extraordinary and compelling
25 reasons" warrant a reduction, (2) the reduction would be "consistent with any
26 applicable policy statements issued by the Sentencing Commission," and (3) the
27 applicable sentence factors under § 3553(a) warrant a reduction. Congress has
28

1 not defined the term "extraordinary and compelling," but the Sentencing Commis-
2 sion ("Commission") has issued a policy statement defining the term. The policy
3 statement lists three specific examples of "extraordinary and compelling reasons"
4 none of which apply to Mr. Young. The policy statement also provides a fourth
5 "catchall" provision if the Director of the BOP determines that "there exists
6 in the defendant's case an extraordinary and compelling reason other than, or in
7 combination with, the reasons described." U.S.S.G§1B1.13,cmt.n.1(D).

9 III. ARGUMENT

10 A. The Court has the authority to consider Mr. Youngs' motion
11 because more than 30days have elapsed since his request was re-
12 ceived by the warden.

13 Although the comopassionate release statute previously permitted
14 sentence reductions only upon motion of the Director of the BOP,
15 Congress expanded the statute in the First Step Act of 2018. Pub.
16 L.No. 115-391,§603(b), 132 Stat. 5194,5239 (Dec. 21,2018). As
17 amended, §3582(c)(1)(A)(i) now permits courts to consider motions
18 filed by the defendant so long as "the defendant has fully ex-
19 hausted all administrative rights to appeal a failure of the
20 Bureau of Prisons to bring a motion on the defendant's behalf,"
21 or after "the lapse of 30days from the receipt of such a request
22 by the warden of the defendant's facility, whichever is earlier".

23 In this case, the timing provision has been satisfied. Mr.
24 Young submitted a request for reduction in sentence to the warden
25 of his BOP facility, which was considered denied on May 25,2020.
26 Because the paper request seems to have been lost in the prison
27 mail system Mr. Young submitted another request on June 27,2020
28

1 and that request was considered denied July 27,2020. See Exhibit
2 A-2. This occurred more than 30 days ago and therefore provides
3 for the Court to consider Mr. Youngs' motion. See United States v.
4 Joling, 2020 WL 1903280, *2(D.Or.April 17,2020)(quoting Brown v.
5 United States, 411 F.Supp. 3d 446, 452 (S.D. Iowa 2019)("Exhaustion
6 occurs when the BOP denies a defendant's application or lets thirty
7 days pass without responding to it.))

8
9 The fact that Mr. Young may not have commenced an admini-
10 strative appeal of the warden's denial is irrelevant. See United
11 States v. Alam,---F.3d---,2020 WL 2845694, at *3(6th Cir. June
12 2,2020)("Prisoners who seek compassionate release have the option
13 to take their claim to federal court within 30days, no matter the
14 administrative appeals available to them.") Therefore, Mr. Youngs'
15 motion is ripe for review on the merits.

16 **B. This Court is empowered to determine what constitutes**
17 **"extraordinary and compelling circumstances to justify**
18 **a reduction in sentence.**

19 In 28 U.S.C. §994(t), Congress delegated to the Sentencing
20 Commission authority to "described what should be considered ex-
21 ordinary and compelling reasons for sentence reduction, including
22 the criteria to be applied and a list of specific examples."
23 The policy statement issued in exercise of that authority, U.S.S.C.
24 §1B1.13, provides examples of "extraordinary and compelling reasons"
25 only in the application notes. The examples generally fall into
26 four categories based on a defendant's (1) terminal illness,
27 (2) debilitating physical or mental health condition, (3) ad-
28 vanced age and deteriorating health combined with the amount of
time served, or (4) compelling family circumstances. See

1 (3) advanced age and deteriorating health combined with the amount
2 of time served, or (4) compelling family circumstances. see
3 U.S.S.G. §1B1.13 cmt. n.1(A)-(C). The commentary also includes a
4 fifth catch-all provision for "extraordinary and compelling reasons
5 other than, or in combination with, the reasons described in sub-
6 divisions (A) through (C)" as determined by the Director of the
7 Bureau of Prisons. Id. at cmt. n.1(D).

8
9 However, the policy statement was last amended in November
10 2018, before the First Step Act was passed, and it still requires
11 a motion filed by the BOP. The First Step Act, however, "sig-
12 nificantly altered the landscape of compassionate-release motions".
13 United States v. Rodriguez, 2020 WL 1627331, at *4 (E.D. Pa. Apr.
14 1, 2020).

15 Because the Commission has not updated its policy statement
16 to account for the changes imposed by the First Step Act, the
17 policy statement is now clearly outdated. For that reason,
18 district courts around the country have held that, in the absence
19 of applicable policy statements, courts "can determine whether
20 any extraordinary and compelling reasons other than those del-
21 ineated in [U.S.S.G. §1B1.13] warrant" sentence modification. See
22 United States v Brown, 411 F.Supp.3d 446,449 (S.D. Iowa Oct. 8,
23 2019).

24
25 These courts have held that the First Step Act's amendments
26 demonstrate that the existing policy statement no longer
27 "complies with the congressional mandate that the policy
28 statement must provide guidance on the appropriate use of

1 sentence-modification provisions under section 3582". See United
2 States v. Cantu, 423 F.Supp.3d 345,349 (S.D. Tex. June 17,2020)
3 (emphasis added).

4 Further, because Congress enabled incarcerated persons to file
5 "direct motions to district courts" for sentence modification in
6 part to "increase the use of compassionate release", the "only
7 way" to give force to that command is to allow district judges to
8 consider the vast variety of circumstances that may constitute
9 extraordinary and compelling". Brown, 411 F.Supp. 3.d at 451. See
10 also United States v. Redd, 2020 WL 1248493, at*7(E.D.Va. March
11 16,2020)(citing cases). In Redd, the court explained that
12 Application Note 1(D)'s prefatory language, which requires a
13 determination by the BOP Director, is in substance, part and parcel
14 of the eliminated requirement that relief must be sought by the
15 BOP Director in the first instance." Id. at*7.

17 Though the BOP's criteria leave it little room to move for
18 a deduction based on COVID-19 vulnerability, a number of courts
19 have also concluded that releasing inmates who are especially
20 vulnerability to voronavirus is consistent with the criteria in
21 U.S.S.G§ 1B1.13. Those orders that weigh COVID-19 vulnerability
22 in the compassionate-release calculus include the following:
23 Millerv. United States, 2020 WL 1814084, at *1,4 (E.D. Mich.
24 Apr. 9, 2020); United States v. Colvin, 2020 WL 1613943, at *3-4
25 (D. Conn. Apr. 2,2020); United States v. Resnick, 2020 WL 1651508
26 at *7 (S.D.N.Y. Apr. 2,2020); United States . Gonzalez, 2020 WL
27 1536155, at *2-3 (E.D. Wash. Mar. 31, 2020); United States v.
28

1 Muniz, 2020 WL 1540325, at *2 (S.D. Tex. Mar. 30,2020); United
2 States v. Powell, 2020 WL 1698194, at *1 (D.D.C. Mar. 28,2020);
3 United States v. Campagna, 2020 WL 1489829, at *1,2 (S.D.N.Y.
4 Mar. 27,2020

5 Even where courts have not deemed §1B1.13 entirely inapp-
6 licable due to the lack of amendment, they have held that judges
7 have authority based on the catch-all provision in Application
8 Note 1(D) which implicitly recognizes that other "compelling
9 reasons" could exist aside from what is listed. See United States
10 v. Urkevich, 2019 WL 6037391, at *3 (D.Neb. Nov. 14, 2019)(noting
11 that §1B1.13 never "suggest that its list of criteria is exclusive"
12 ; United States v. Beck, 425 F.Supp. 3d 537,582 (M.D.N.C. June
13 28, 2019)(Read as a whole, the application notes suggest a flex-
14 able approach... and recognize that the examples listed in the
15 application note do not capture all extraordinary and compelling
16 circumstances").
17

18 The government conceded this point in Young, agreeing that
19 "the dependence on the BOP to determine the existence of extr-
20 ordinary and compelling reason, like the requirement for a motion
21 by the BOP Director, is a relic of the prior procedure that is
22 inconsistent with the amendments implemented by the First Step
23 Act." United States v. Young,2020 WL 1047815, at *6(M.D. Tenn.
24 Mar. 4,2020). The court in Young followed the majority of district
25 courts in recognizing that §1B1.13's defined categories are not
26 exclusive: "In short, federal judges are no longer constrained
27 by the BOP Director's determination of what constitutes extra-
28

1 ordinary and compelling reasons for a sentence reduction. Id. ⁴
2 See also United States v. Perez, 2020 WL 1180719, at *2 (D.Kan.
3 Mar. 11, 2020)("[A] majority of federal district courts have found
4 that the most natural reading of the amended §3582(c) and §944(t)
5 is that the district court assumes the same discretion as the BOP
6 director when it considers a compassionate release motion properly
7 before it ").

8 Here, this Court has discretion to assess whether Mr. Young
9 presents "extraordinary and compelling reasons" for his release,
10 regardless whether they fall within or outside of those listed in
11 the non-exclusive criteria of subsections (A)-(C) of the old
12 policy statement.
13

14 **C. COVID-19 is an unprecedented and rapidly expanding**
15 **global health emergency that presents a serious risk**
16 **to vulnerable prisoners, including Mr. Young.**

17 ⁴See also United States v. O'Bryan, 2020 WL 869475, at*2 (D.Kan.
18 Feb. 21, 2020); United States v. Maumau, 2020 WL 806121, at *2-3
19 (D.Utah Feb. 18, 2020)("[A] majority of district courts to con-
20 sider the question have embraced Mr. Maumau's position" that
21 limiting the catch-all provision to circumstances identified by
22 the BOP is inconsistent with the law)(citing ten other cases);
23 Brown, 411 F.Supp. 3d at 451 ("[I]f the First Step Act is to in-
24 crease the use of compassionate release, the most natural reading
25 of the amended §3582(c) and §994(t) is that the district court
26 assumes the same discretion as the BOP Director when it considers
27 a compassionate release motion properly before it... Thus, the
28 Director's prior interpretation of 'extraordinary and compelling'
reasons is informative, but not dispositive."); United States v.
Beck, 2019 WL 2716505, at *6(M.D.N.C. June 28, 2019)("While the
old policy statement provides helpful guidance, it does not con-
strain the Court's independent assessment of whether 'extraordinary
and compelling reasons' warrant a sentence reduction under
§3582(c)(1)(A)(i).")

1 **1. The conditions of confinement at federal correctional**
2 **facilities prevent control of COVID-19.**

3 The coronavirus responsible for COVID-19 is incredibly
4 infectious. It survives on surfaces for days.⁵ But its real danger
5 is described in a single word: aerosol. Unlike many diseases, "the
6 Virus can remain viable and infectious in aerolsols for hours" -
7 just breathing will spread the virus, no cough or sneeze required.⁶

8 Prison officials are powerless to reduce breathing, coughing
9 sneezing, or movement in the cramped, shared spaces of prisons-
10 the phones, showers, the legal libraries. Just as it spreads easily
11 in the most controlled enviornments, such as hospitals, the virus
12 spreads easily in the least prepared, prisons.

13 The fact that Mr. Young has so far survived being infected
14 by COVID-19, see(Exhibit A-3) 'dose not and **Should** not prevent the
15 court from granting a request for compassionate release. The
16 long-term effects of infection are uncertain-- it is uncertian
17 whether infection will cause additional health problems in the
18 short-term, whether infection confers immunity from re-infection
19 and whether those infected will require long-term care. On July
20 21, 2020 Mr. Young was screened for asmtha due to his continued
21 problems with shortness of breath and weasing ever since he
22 contracted COVID-19. He is currently taking an asthma medicine
23 "Albuterol Inhaler HFA". See Exhibit A-4. In addition, Movant
24 suffered and continues to suffer significant psychological trama
25

26
27 ⁵Mary Van Beusekom, U.S studies offer clues to COVID-19 swift
28 spread, severity, Cntr. for Infectious Disease Research & Policy
(Mar. 18, 2020) (available at: <https://bit.ly/3b9fk70>).

⁶See id.

1 from awaiting infection, being infected, and dealing with the
2 after effects of infection.

- 3 2. Courts responding to the COVID-19 pandemic have recog-
4 nized the critical importance of reducing incarcerated
5 populations including the release of inmates who have no
6 previous underlying health issues like Mr. Young.

7 FCI Lompoc has utterly abandoned its responsibilty to protect
8 inmates like Mr. Young. Despite assurances by BOP that they have
9 matters under control-- including in statements to members of
10 Congress in Senate hearings-- this is clearly not the case. FCI
11 Lompoc was already overpopulated, contributing to the nearly
12 universal infection rate in prison. Already the subject of at least
13 one lawsit for the conditions leading to these astronomical in-
14 fection rates.⁷

15 The federal judiciary's response to COVID-19 reflects the
16 extreme exigency of the present circumstances, including for
17 inmates like Mr. Young who do not suffer from privous underlying
18 health conditions. Based on the epidemic, district courts have
19 granted various forms of relief, including compassionate release
20 in an effort to "flatten the curve." See, e.g., United States v.
21 Le, --- F.Supp. 3d---, 2020 WL 2563181 (D. Mass. May 6, 2020)
22 (releasing pretrial defendant in drug trafficking case in light
23 if COVID-19 even though he lacks "physical conditions that put
24 him at high risk" from COVID-19 because "[t]he reduction in the
25 prison population in and of itself" is important to combatting
26

27 ⁷See generally, Complaint--Class Action for Declaratory Relief
28 and Injuctive Relief and Petition for Writ of Habeas Corpus,
Carror Torres v. Milusnic, 2:20-CV-04450-CBM-PVC(C.D. Cal. May
16,2020)

1 the virus); United States v. Kelly, 2020 WL2104241 (S.D. Miss
2 May 1, 2020)(granting compassionate release to and individual in
3 his late 20s without health issues where BOP failed to control
4 the outbreak of COVID-19 at his facility); United States .v
5 Chestnut, No.09-cr-06071-DGL-MWP, Dckt. 922 (S.D. Fla. Apr. 13,
6 2020)(recommending to BOP that the defendant serve his remaining
7 sentence on home confinement where the defendant was in his late
8 30s and did not claim to suffer from any health issues that in-
9 creased his risk of illness from COVID-19); United States v.
10 Bolston, No.18-cr-00382-MLB, Dckt. 16-20 (N.D. Ga. Mar. 30, 2020)
11 (releasing defendant who had previously been detained on a vio-
12 lation of supervised release, in part, because of the risk of ex-
13 posure to COVID-19 while incarcerated despite the fact that the
14 defendant had not alleged a particular health issue that made him
15 more vulnerable to COVID-19; United States v. Harris, No.19-cr-
16 00356, Dckt. 28-29, 35-36 (D.D.C. Mar. 27, 2020)(finding "ex-
17 ceptional reasons," in part, based on the COVID-19 pandemic,
18 justified relief from the "mandatory" detention provision of 18
19 U.S.C. §3143(a)(2) and granting release pending sentence for a
20 defendant who had been detained pretrial and pleaded guilty to
21 distribution of child pornography even though the defendant did
22 not allege any individual vulnerability to COVID-19) United
23 States v. Garlock, 2020 WL 1439980, at *1 (N.D. Cal. Mar. 25
24 2020)(citing "chaos" inside federal prisons, including positive
25 test for COVID-19, Quarantines, suspension of outside visitation,
26 and restrictions on inmates movement and sua sponte extending
27
28

1 extending time to self-surrender until September 1, 2020" "[b]y
2 now it almost goes without saying that we should not be adding to
3 the prison population during the COVID-19 pandemic if it can be
4 avoided." United States v. Stephens, 2020 WL 1295155 (S.D.N.Y.
5 Mar. 19, 2020)(releasing defendant who had previously been detained
6 for his alleged violation of supervised release in light of " the
7 unprecedented and extraordinary dangerous nature of the COVID-19
8 pandemic" and the heightened risk of contracting COVID-19 faced
9 by incarcerated individuals generally, even though the defendant
10 had not alleged any individual vulnerability to COVID-19 other
11 than his being incarcerated); United States v. Barkman, 2020 WL
12 1811343 (D. Nev. Mar. 17, 2020)(suspending the defendant's
13 intermittent confinement because of the risks of being incar-
14 cerated during the pandemic even though the defendant did not allege
15 that he fell within any particularly vulnerable age or health
16 class). This sampling of court orders granting release to inmates
17 with no previous underlying health issues based on the COVID-19
18 pandemic fails to convey the full volume of building precedent.
19

20 **3. Mr. Young will not be a danger to the community if he is**
21 **released, and a sentence of time-served is sufficient,**
22 **but not greater than necessary, to accomplish the goals**
sentencing.

23 When extraordinary and compelling reasons are established,
24 the Court must consider the relevant sentencing factors in §
25 3553(a) to determine whether a sentence reduction is warranted.
26 18 U.S.C. §3582(c)(1)(A)(i). Under all of the circumstances in
27 this case, the Court should conclude that the time that Mr. Young
28 has already served is sufficient to satisfy the purposes of

1 sentencing. Under *Pepper v. United States*, 562 U.S. 476, 490-93
2 (2011), the Court can, and indeed must, consider post-offense
3 developments under 18 U.S.C. §3553 (a).

4 Here, the orridding factor under §3553(a) that was not pre-
5 sent at the time of sentencing is the COVID-19 pandemic and the
6 serious risk it presents. Although the circimstances of the pre-
7 sent offense qualifed Mr. Young for the serious sentence this Court
8 originally imposed, the sentencing purpose of just punishment dose
9 not warrant a sentence that includes exposure to a life-threatening
10 illness. In fact, the Eighth Amendment's prohibition on cruel and
11 unusual punishment includes unreasonable exposure to dangerous
12 conditions in custody. *Helling v. McKinney*, 509 U.S. 25, 28 (1993);
13 see also *Wallis v. Balswin*, 70 F3d 1074, 1076 (9th Cir. 1995)
14 (applying *Helling* to exposure to abestos); *Brown v. Mitchell*, 327
15 F. Supp. 2d 615, 650 (E.D. Va. July 28, 2004)(applying *Helling*
16 to contagious diseases caused by overcrowding conditons). The §
17 3553(a) factors can be met in this case by an order of home
18 confinement as a condition of supervised release.

19
20 Additionally, Mr. Youngs conduct while incarcerated, es-
21 tablishes that the purposes of punishment have been met. Under
22 *Pepper*, the Court must also consider "the most up-to-date
23 picture" of the defendant's history and characterisitics, which
24 "sheds light on the likelihood that [the defendant]will engage
25 in future criminal conduct." 562 U.S. at 492. Over the past six
26 years in custody, Mr. Young has had no incidents in over five and
27 a half years. Mr. Young has shown by his conduct that he longer
28

1 threatens public safety, and that granting him compassionate re-
2 lease would not endanger the community.

3 If Mr. Young was sentenced today under the Fair Sentencing
4 Act his sentence would be greatly reduced. The totality of the
5 circumstances demonstrate that reducing Mr. Young's sentence to
6 time served after over six years in custody is sufficient, but
7 not greater than necessary," to achieve the sentencing goals of
8 §3553(a).
9

10 Mr. Young has a Release plan to ensure his safe transition to
11 the community. He has strong family support, as well as a stable
12 residence waiting for him in North Dakota.

13 IV. CONCLUSION

14 The extraordinary and compelling circumstances presented by
15 the uncontrolled spread of COVID-19- particularly at Lompoc where
16 Mr. Young is currently housed as an inmate, and the fact that if
17 Mr. Young was sentenced today his sentence would be greatly re-
18 duced- warrants compassionate release under 18 U.S.C. §3582(c)(1)
19 (A).
20

21 DATED: This 27th day of July, 2020
22

23 Respectfully submitted

24 
25 Cleotha Young 47111298
26
27
28

CERTIFICATE OF SERVICE

I, Cleotha Young, hereby certify that I have served a true and correct copy of;

Reply and Amended motion and Memorandum
In Support of Compassionate Release Pursuant
to 3582 (c)(1)(A)(i)

[which is considered filed/served at the moment it was delivered to prison authorities for mailing as provided for in Houston v. Lack, 487 U.S. 266, 101 L.Ed.2d 245 (1988)] to the following listed parties/persons by placing a complete copy of the above described materials in a sealed envelope affixed with the appropriate pre-paid first-class United States postage:

Clerk of the Court
333 W. Broadway Suite 420
San Diego, CA 92101

and deposited same with prison officials here at the Federal Correctional Institution in Lompoc, California, on this the 28 day of July, 2020.

Pursuant to Title 28, United States Code section 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this the 28th day of July, 2020.

(Signature) C. Young

Printed Name: Cleotha Young

Federal Register # 47111-298

Federal Correctional Institution (Low)

3600 Guard Road, Lompoc, CA 93436-2705

No Telephone/Fax/E-Mail Available

Exhibit

A-1

**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 01889926

Dept. of Justice / Federal Bureau of Prisons

Team Date: 09-04-2019

Plan is for inmate: YOUNG, CLEOTHA 47111-298

Facility: LOF LOMPOC FCI
Name: YOUNG, CLEOTHA
Register No.: 47111-298
Age: 41
Date of Birth: 07-11-1978

Proj. Rel. Date: 09-27-2031
Proj. Rel. Mthd: GCT REL
DNA Status: SDC15421 / 04-24-2014

Detainers

Detaining Agency	Remarks
------------------	---------

NO DETAINER

Current Work Assignments

Fac	Assignment	Description	Start
LOF	ORD A D/W	ORDERLY A D/W	09-28-2018

Current Education Information

Fac	Assignment	Description	Start
LOF	ESL HAS	ENGLISH PROFICIENT	06-25-2014
LOF	GED HAS	COMPLETED GED OR HS DIPLOMA	06-25-2014

Education Courses

SubFac	Action	Description	Start	Stop
LOF	C	BEGINNING GUITAR	04-25-2019	06-27-2019
LOF	C	BEGINNING KILN OPERATION	04-28-2019	05-03-2019
LOF	C	7 HABITS	08-14-2018	10-16-2018
BIG	C	6HR TRAINING CLASS COACH/UMP	03-16-2017	04-02-2017
BIG	C	1ST SECTION BASIC COMPUTER AM	10-25-2016	04-06-2017
BIG	C	PARENTING	10-18-2016	11-15-2016
BIG	C	RPP 6 VICTIM IMPACT	09-06-2016	11-10-2016
BIG	C	ACE INVESTING 1	06-29-2016	08-17-2016
BIG	C	NUTRITIONAL & EXERCISE NEEDS	03-20-2016	04-19-2016
BIG	C	HEATING AND AIR COND ONE	02-04-2016	05-04-2016

Discipline History (Last 6 months)

Hearing Date	Prohibited Acts
--------------	-----------------

** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **

Current Care Assignments

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	01-22-2015
CARE1-MH	CARE1-MENTAL HEALTH	01-29-2016

Current Medical Duty Status Assignments

Assignment	Description	Start
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	10-28-2014
YES F/S	CLEARED FOR FOOD SERVICE	10-28-2014

Current Drug Assignments

Assignment	Description	Start
DAP NO INT	DRUG ABUSE PROGRAM NO INTEREST	05-17-2016
ED COMP	DRUG EDUCATION COMPLETE	06-08-2016

FRP Details

Most Recent Payment Plan

FRP Assignment: COMPLT FINANC RESP-COMPLETED Start: 03-12-2016
Inmate Decision: AGREED \$50.00 Frequency: MONTHLY
Payments past 6 months: \$0.00 Obligation Balance: \$0.00

Financial Obligations

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$100.00	\$0.00	IMMEDIATE	COMPLETEDZ

Exhibit A-1

Exhibit

A-2

TRULINCS 47111298 - YOUNG, CLEOTHA - Unit: LOF-G-A

FROM: 47111298

TO: AW Operations

SUBJECT: ***Request to Staff*** YOUNG, CLEOTHA, Reg# 47111298, LOF-G-A

DATE: 06/27/2020 03:18:30 PM

To: warden

Inmate Work Assignment: am orderly

This message is concerning my request for compassionate release. Submitted a paper cop out 4-25-2020 requesting to be screened for compassionate release. i never herd anything back from that copout. i talked to you (the warden) when you did a walk through on 6-25-2020 in A-building G-house and asked was there any unanswered copouts on your desk and you told me no there wasn't. you had took down my number and said you would get back to me. i was wondering if you where able to locate that copout i submitted and if not can you please respond to this email as another request to be considered for compassionate release. thank you for you time.

Exhibit A-2

Exhibit
A-3



C64

Patient: **YOUNG, CLEOTHA**

DOB: 07/11/1978 Age: 41

Sex: M

Pt Phone #: () - -

Med Rec #: 47111-298

Alternative ID:

Ref. Dr.: **NAVID SOUFERZADEH, M.D.**

Client #: **15255**

FCC LOMPOC

3901 KLEIN BLVD

LOMPOC, CA 93436

Accession: **20336292**

Collected: 05/05/2020 00:00

Received: 05/05/2020 23:59

Reported: 05/06/2020 12:33

Procedure

Result

Abnormal

Range

Units

MOLECULAR MICROBIOLOGY

SARS-CoV-2, PCR

Positive

Negative

Source: Nasopharyngeal

Positive results are indicative of the presence of SARS-CoV-2 RNA; clinical correlation with patient history and other diagnostic information is necessary to determine patient infection status. Positive results do not rule out bacterial infection or co-infection with other viruses. Positive and negative predictive values of testing are highly dependent on prevalence. False positive test results are more likely when prevalence is moderate to low.

The SARS-CoV-2 test is intended for the qualitative detection of nucleic acids from SARS-CoV-2 in nasopharyngeal and oropharyngeal swab samples from patients who meet COVID-19 clinical and/or epidemiological criteria. Testing methodology is real-time RT-PCR. The assay targets the ORF1/a and the E-gene. If received as separate collection devices, nasopharyngeal and oro-pharyngeal specimens are combined for analysis.

Test results must be correlated with clinical presentation and evaluated in the context of other laboratory and epidemiologic data. Test performance can be affected because the epidemiology and clinical spectrum of infection caused by SARS-CoV-2 is not fully understood. For example, the optimum types of specimens to collect and when during the course of infection these specimens are most likely to contain detectable viral RNA may not be known.

This test has not been Food and Drug Administration (FDA) cleared or approved and has been authorized by FDA under an Emergency Use Authorization (EUA). The test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostic tests for detection and/or diagnosis of SARS-CoV-2 under Section 564(b)(1) of the Act, 21 U.S.C. section 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner. WestPac Labs are certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. section 263a, to perform high complexity tests.

LABORATORY REPORT

COPY

Exhibit A-3

Exhibit

A-4

IVAX Pharmaceuticals Ireland

LOMPOC FCC

LOF - G04-002U

3901 KLEIN BLVD - LOMPOC, California 93436

328669-LOX Dhaliwal, Jaspal MD

07/21/20

YOUNG, CLEOTHA

47111-298

****Shake well** Inhale 2 puffs by mouth four times a day as needed for shortness of breath. -- **rinse mouth after use****

Albuterol Inhaler HFA (8.5 GM) 90 MCG/ACT

(0) Refills 07/21/20 BDR Refill Until: 08/20/20

#8.5 GM Don't Confiscate Before: 10/19/20

CAUTION: Federal/State law prohibits transfer of this drug to any person other than patient for whom prescribed.

Exhibit A-4

Other
at Correc
D Guard Road
POC, CA 93436

REGISTERED MAIL



7020 0640 0000 9977 1183



Legal Mail

Legal Mail

CLERK US DISTRICT COURT
JUL 3 1 2020
SOUTHERN DISTRICT OF CALIFORNIA
RECEIVED

To: Office of the Clerk
333 West Broadway Suite 420
San Diego, CA 92101